

# HOUSE . . . . . No. 2956

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Cory Atkins**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Authorizing the Commissioner of Capital Asset Management and Maintenance to Convey Certain Land to the Town of Concord Housing Development Corporation for Affordable Housing and Open Space.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cory Atkins	14th Middlesex
Susan C. Fargo	

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF CONCORD HOUSING DEVELOPMENT CORPORATION FOR AFFORDABLE HOUSING AND OPEN SPACE.

*Whereas*, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make transfer a certain parcel of land in the town of Concord, therefore it is hereby declared to be an emergency law, necessary for immediate preservation of the public convenience., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Notwithstanding the provisions of sections 40E through 40J of chapter 7 of the General Laws or any general or special law to the contrary, the commissioner of capital asset management and maintenance may convey to the Concord Housing Development Corporation a portion of a certain parcel of state-owned land in said town, currently under the care and control of the Department of Correction with a physical address at 965 Elm Street and referenced on a map titled “Affordable Housing and Open Space, Concord, Massachusetts” and dated January 9, 2009. Such land will be used for housing, of which 100% shall be deemed affordable housing as determined by the ranges established by the Concord Housing Development Corporation, and for public open space. The commissioner shall determine the exact boundaries of the parcel after completion of a survey. The Concord Housing Development Corporation shall acquire access to cross the former railroad right-of-way abutting the parcel, shall ensure compatibility for the proposed Bruce Freeman Rail Trail to cross the parcel, and shall provide a second means of access for emergency purposes. The Concord Housing Development Corporation shall ensure a clear field of view as needed for security considerations of the Department of Correction facility and shall have an appropriate setback from the southerly wall of the Department of Correction facility. The Concord Housing Development Corporation shall ensure a development setback from the river and any other dimensional setbacks required by law.

**SECTION 2.** The consideration for the parcel shall be the full and fair market value of the parcel for the use authorized by this act, determined by the commissioner of capital asset management and maintenance

19 based upon an independent professional appraisal and including the conditions set forth in Section 1. The  
20 inspector general shall review and approve the appraisal, and the review shall include a review of the  
21 methodology used for the appraisal. The inspector general shall have 30 days after receipt of the  
22 appraisal and a report by the commissioner to undertake such review and approval. The inspector general  
23 shall submit a report on this review and approval of the appraisal to the commissioner. At least 15 days  
24 before conveying the parcel, the commissioner shall submit a copy of said inspector general's report to  
25 the chairs of the house and senate committees on ways and means and the chairs of the joint committee on  
26 state administration and regulatory oversight.

27 **SECTION 3.** The Concord Housing Development Corporation shall be responsible for all costs and  
28 expenses of the transaction authorized by this act as determined by the commissioner of capital asset  
29 management and maintenance, including but not limited to the costs of any survey, appraisal, and other  
30 expenses relating to the conveyance of the parcel, and shall be responsible for all costs, liabilities and  
31 expenses of any nature and kind for its ownership. Due to the collaborative effort involved in this project,  
32 the Concord Housing Development Corporation may accept funds from the Walden Woods Project in  
33 support of and in furtherance of the Concord Housing Development Corporation's responsibilities under  
34 this act.

35 **SECTION 4.** The deed or other instrument conveying the parcel to the Concord Housing Development  
36 Corporation shall, without limitation, provide that if the parcel ceases at any time to be used for the  
37 purposes set forth in this act, title to the parcel shall, at the election of the commonwealth, revert to the  
38 commonwealth.